

Motion denied 2/10/15.

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES

DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHAUN BRANDEWIE, et al.,

Plaintiffs,

v.

WAL-MART STORES, INC.,

Defendant.

) CASE NO: 1:14-CV-965

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) JUDGE: JAMES S. GWIN

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**DEFENDANT WAL-MART'S MOTION
TO STAY PENDING RESOLUTION OF
JURISDICTIONAL ISSUE**

Defendant Wal-Mart Stores, Inc. hereby moves to stay this case, including all deadlines prescribed by the Court's scheduling order of August 21, 2014, and asks the Court to issue an expedited briefing schedule on the narrow jurisdictional issue raised by this Court in its January 16, 2015 Order: Did Wal-Mart properly remit to Ohio the sales tax that it allegedly did not refund to Plaintiffs and the putative class? Wal-Mart has already provided Plaintiffs with a declaration establishing that such taxes were properly remitted and has offered to present the declarant for deposition; however, Plaintiffs have declined to join in the present motion.

In support of its Motion, Wal-Mart submits a short memorandum in support, the declaration of John Dalton and a Proposed Order.

WHEREFORE, Wal-Mart respectfully asks that the Court enter the Proposed Order staying all unrelated case activity and deadlines to resolve the jurisdictional issue raised by this Court and setting an expedited briefing and deposition schedule on the issue.

Dated: January 22, 2015

Respectfully submitted,

/s/ M. Scott Incerto

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